



IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

JOSEPH H. NEFF
1360 West Choctaw Drive
London, OH 43140

Plaintiff,

Case No. _____

vs.

JURY DEMAND ENDORSED HEREON

ARNOLD TRANSPORTATION SERVICES, INC.
c/o Corporation Service Company, statutory agent
50 West Broad Street
Suite 1330
Columbus, OH 43215

And

ROBERT F. KIEL
2170 Green Slope Drive
St. Louis, MO 63136

Defendants.

COMPLAINT

COUNT ONE

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to Section 2305.01 of the Ohio Revised Code.

2. Venue is proper in this Court pursuant to Rule 3 (B) of the Ohio Rules of Civil Procedure.

PARTIES

3. Plaintiff Joseph H. Neff is the injured party in this action.

4. Defendant Robert F. Kiel operated a motor vehicle in such a manner as to cause bodily injury to plaintiff Joseph H. Neff.

5. Defendant Arnold Transportation Services, Inc. (hereinafter Arnold Transportation) was, at all times relevant herein, a Pennsylvania corporation which was licensed to do business in the state of Ohio and the employer and/or a duly authorized agent of defendant Robert F. Kiel.

OPERATIVE FACTS

6. On August 3, 2017, plaintiff Joseph H. Neff was lawfully operating his motor vehicle eastbound on Interstate 70, in Columbus, Franklin County, Ohio.

7. At said time and place, defendant Robert F. Kiel was operating a tractor-trailer motor vehicle on the same said highway and in the same said direction, two vehicles behind the plaintiff's motor vehicle.

8. At said time and place, the traffic ahead of defendant Robert F. Kiel's tractor-trailer vehicle came to a stop. Defendant Robert F. Kiel was unable to switch lanes, failed to bring his vehicle to a stop and proceeded forward, striking the vehicle immediately behind the plaintiff's vehicle and then striking the plaintiff's vehicle with such force that plaintiff's

vehicle landed on its side with the driver's compartment on the bottom.

9. As a result of the collision described in paragraph eight (8), above, plaintiff was thrown about in his vehicle sustaining injuries more particularly set forth below.

NEGLIGENCE OF DEFENDANT ROBERT F. KIEL

10. Defendant Robert F. Kiel, as an operator of a motor vehicle on a public highway, had a duty to proceed with due care for the safety of persons and property, and to at all times maintain an assured clear distance ahead.

11. These duties, among others, were breached by said defendant, causing the collision described hereinabove.

PROXIMATE CAUSE

12. As a direct and proximate result of said defendant's negligent acts, Joseph H. Neff sustained injuries to his head, neck and left shoulder, among injuries to other parts of his body, causing severe pain, suffering, mental anguish and permanent injury, for the treatment of which he has incurred reasonable medical expenses in an amount in excess of Fifteen Thousand Dollars (\$15,000.00), and expects to incur additional such expenses in the future.

COUNT TWO

13. Plaintiff Joseph H. Neff realleges and hereby incorporates by reference each and every allegation contained in

paragraphs one (1) through twelve (12), inclusive, as if expressly rewritten herein.

DEFENDANT ARNOLD TRANSPORTATION'S VICARIOUS LIABILITY

14. At all times relevant herein, defendant Robert F. Kiel was acting within the scope of his capacity as an employee and/or a duly authorized agent of defendant Arnold Transportation.

15. As a result of the actual or apparent relationship between defendant Robert F. Kiel and defendant Arnold Transportation, any and all negligence and liability on the part of defendant Robert F. Kiel is imputed to defendant Arnold Transportation.

PROXIMATE CAUSE

16. As a direct and proximate result of the aforesaid vicarious liability, defendant Arnold Transportation is liable for the injuries and damages referred to herein at paragraph twelve (12).

DEMAND

WHEREFORE, plaintiff Joseph H. Neff demands judgment against the defendants, Robert F. Kiel and Arnold Transportation, jointly and severally, and prays for compensatory and general damages in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00), said plaintiff further demands interest, costs and any further just relief.

Respectfully submitted,

BARKAN MEIZLISH DEROSE
WENTZ MCINERNEY PEIFER, LLP

/s/ Sanford A. Meizlish

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JURY DEMAND

Pursuant to Rule 38 (B) of the Ohio Rules of Civil Procedure, plaintiff hereby demands a trial by jury in this action.

BARKAN MEIZLISH DEROSE
WENTZ MCINERNEY PEIFER, LLP
/s/ Sanford A. Meizlish

Sanford A. Meizlish

Attorney for Plaintiff